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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,254	09/30/2002	Ewald Guenther	2002P12562US	5658
31366	7590	06/05/2006	EXAMINER	
HORIZON IP PTE LTD 8 KALLANG SECTOR, EAST WING 7TH FLOOR SINGAPORE 349282, 349282 SINGAPORE			CLARK, JASMINE JHIHAN B	
			ART UNIT	PAPER NUMBER
			2815	
DATE MAILED: 06/05/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/065,254

Applicant(s)

GUENTHER ET AL.

Examiner

Jasmine J. Clark

Art Unit

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,3/1,3/2,4-11,14/1,14/2,15-19 and 43-45 is/are rejected.
- 7) ☒ Claim(s) 12,13,20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/25/2005</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

***Information Disclosure Statement***

1. The RCE and IDS filed 11/25/2005 have been considered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 46 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Pakbaz et al. (US 6,659,706).

At column 2, line 50 to column 5, line 5, and in Fig. 3, Pakbaz '706 discloses relating to an organic electrical device comprising: a substrate 300 with a device region 304...310 in combination, wherein the device region comprises one cell which comprises, eg., OLED having an organic layer between a lower first electrode and upper second electrode, eg., 310 in the device region (see claim 1); a cap 312 for

Art Unit: 2815

encapsulating the device, the cap creates a cavity over the device region; and space particles 314 on the substrate 300 to support the cap, the spacer particles 314 comprises a profile having a base and an upper portion in which a width of the base is equal to a width of the upper portion, wherein the profile of the spacer particles 314 seals edges of the second electrode, and wherein the one organic layer comprises electroluminescent material.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 3/1, 3/2, 4-11, 14/1, 14/2-19, and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claims 46 and 48 above, and further in view of Nakao et al. (JP 3-171643).

As discussed above the applied reference discloses that the width of the base of the spacer particle is for example equal to the width of the upper portion. Nonetheless, the applied reference fails to literally disclose having a first width of the base of the space particles is wider than the upper portion. Nako (JP) shows in Fig. 3, a width of a base of spacer particles 40 is wider than a width of an upper portion, and a half spherical shape of the spacer particles shown in Fig. 4, wherein the spacer particles having a non-spherical shape. Hence, it would have been obvious to have the spacer particles having the width of the base which is wider than the upper portion, and/or having a half-spherical shape (claim 3) for the reasons as taught by Nakao (JP).

Concerning claims 4-11, 14-19, and 43-45, the applied reference '706 discloses having the spacer particles 314 of epoxy which is considered as a non-conductive material; and the recitation, for example, "wherein the spacer particles comprise an average height and density to maintain the height of the cavity and separation between the cap and the device region" is inherent.

#### ***Allowable Subject Matter***

4. Claims 12, 13, 20, 21, and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art(s) of record fail to disclose wherein the density is about 10-1000No/mm<sup>2</sup>, and wherein an average distance between the spacer particles is about 100-500µm.

***Telephone Inquiry Contacts***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasmine J. Clark whose telephone number is (571) 272-1726. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Parker can be reached on (571) 272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jjbc/05/25/06

**JASMINE CLARK  
PRIMARY EXAMINER**

